**UNITED NATIONS** **S**

**Security Council**

Distr.
GENERAL

S/1996/204
18 March 1996
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 17 MARCH 1996 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

On instructions from my Government, I have the honour to transmit annexed hereto a letter dated 17 March 1996 addressed to you by Mr. Tariq Aziz, Deputy Prime Minister of the Republic of Iraq, giving details of the facts relating to the inspection operations conducted by Special Commission inspection team UNSCOM 143.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Permanent Representative

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## Annex

## Letter dated 17 March 1996 from the Deputy Prime Minister of the Republic of Iraq addressed to the President of the Security Council

I should like to clarify to you and to the members of the Security Council the facts concerning the inspections carried out by UNSCOM 143 during the period 7 to 17 March 1996 and the information relating thereto conveyed to the Council by the Executive Chairman of the Special Commission in his letter dated 9 March 1996 (document S/1996/182), a copy of which you made available to our Permanent Representative.

First:

1. Inspection operations commenced in accordance with the provisions of resolution 687 (1991) in May 1991, and have continued until the present time. During that period, inspection teams requested access to the headquarters of any ministry on only two occasions. The first was in 1992, when an inspection team requested access to the headquarters of the Ministry of Agriculture, leading to a long controversy between the Iraqi authorities and the Special Commission. That controversy was settled by an agreement between me and the Executive Chairman of the Special Commission on an appropriate arrangement for entering the Ministry headquarters. Upon entering, the representatives of the Special Commission did not find any of the items they alleged to be there.

The second incident was the one which took place on 8 March 1996, when the chief inspector of UNSCOM 143 requested access to the Ministry of Irrigation. After a discussion lasting several hours between our representatives and the Vice-Chairman of the Special Commission, who was in Baghdad at the time, I telephoned the Executive Chairman of the Special Commission, Mr. Rolf Ekeus, and we reached agreement on an appropriate arrangement for entering the building. Once again the team did not find what it had alleged to have been in the building (missiles, missile components and large boxes of documents).

2. On 11 March 1996 the same inspection team requested access to the headquarters of an institute for training the Republican Guards. In this case, I also telephoned Mr. Ekeus, who was then in London, and agreed with him on an appropriate arrangement for entering the building. The inspection team entered the building, and did not find any of the materials alleged to be there.

3. On 14 March 1996 the same inspection team asked to visit one of the headquarters of the Special Guards. An appropriate arrangement for entering the building was agreed upon between the Iraqi officials concerned and the chief inspector. The same thing happened on 15 March 1996 when the chief inspector requested entry to a site belonging to the Republic Guards. After entering these two sites, the team did not find any of the materials it alleged to be there.

4. During the said period the inspection team, in addition to the aforementioned headquarters, visited nine other sites without any problem.

Second:

It is clear from what is indicated above that the delays which occurred before the aforementioned four inspection operations took place were due to the fact that the headquarters which the inspection team asked to inspect were of a special nature (such as a ministry and the headquarters of establishments that have special characteristics relating to national security).

It is worth mentioning that since the incident at the Ministry of Agriculture in 1992, 104 inspection teams have discharged their tasks without requesting access to any headquarters or establishment of a nature similar to that of the headquarters which the last chief inspector requested to enter, a matter which caused us both surprise and concern.

In July 1993, during Mr. Ekeus' visit to Baghdad, we reached an agreement under which the inspection teams should, while discharging their tasks under the provisions of resolution 687 (1991), respect Iraq's sovereignty, dignity and national security. This was confirmed in paragraph 16 of the joint report of the two sides dated 30 November 1993 (document S/26825), which stated as follows:

> "As regards Iraq's concerns relating to respect for the sovereignty, internal security and dignity of the people and the State of Iraq and Iraq's right to industrial, scientific and technological progress and development in all fields not covered by the prohibitions contained in resolution 687 (1991), the Commission and IAEA stressed that it was their intention to implement the plans in the least intrusive manner consistent with effective monitoring and verification in the circumstances prevailing, with all due regard to the legitimate concerns of Iraq noted above, in accordance with the Charter of the United Nations."

Third:

The other reasons for the delay in permitting access to the four sites were:

1. The Iraqi side was surprised by the request to inspect the sites, which has for many years been without precedent. This required contacts among the concerned officials to study these requests with a view to taking the appropriate position thereon.

2. The request to enter the headquarters of the Ministry of Irrigation was made at 9 p.m. on Friday, 8 March 1996, which was a weekend. Similarly, the request to enter the headquarters of the Republican Guards was presented on Friday, 15 March 1996. To conduct inspections on a weekend would certainly lead to delay in contacting the officials concerned (as mentioned in paragraph 1) for them to return to their offices to study the situation in order to deal with it.

3. Entry into any site which an inspection team requests requires the presence of the official in charge of the site and a suitable number of personnel in order to answer the questions of the inspection team, to provide the keys of rooms, lockers and stores and to meet other requirements which would enable the

inspection team to carry out the inspection. All this requires time, particularly when the inspection activities are carried out during weekends or after working hours.

4. Discussion between the Iraqi side and the chief inspector with a view to reaching an appropriate arrangement for entering a building and carrying out the inspection operation without touching upon matters that do not relate to the duties and tasks of the Special Commission takes time, particularly when some sites are very large and contain many facilities of different kinds. The chief inspector also needs time to contact his principals in order to secure their approval of the arrangement reached with the Iraqi side.

5. Taking into consideration all these practical factors relating to ensuring the efficiency of the inspection, the delays which occurred and which have been referred to in the letter of the Executive Chairman of the Special Commission were no longer than the time necessitated by these practical factors; in addition I twice contacted Mr. Ekeus, by telephone, on one occasion in London, in order to reach an understanding on the basis of the Special Commission's undertakings with respect to Iraq's sovereignty, dignity and national security and of Iraq's obligations under the relevant resolutions.

Fourth:

The allegation that the delay in granting access to the said headquarters raises doubts as to whether materials alleged to have been therein might have been removed or disposed of is refuted by the following facts:

1. Normally, the requests of the inspection teams are, as in the aforementioned cases, for no-notice inspection, i.e. the team reaches the site it seeks to inspect without advance notice.

2. Once the inspection team arrives at the designated site, the inspectors surround the site from all directions.

3. The inspection team which carried out the recent inspections consisted of more than 50 members with 16 vehicles, a number quite sufficient to surround the building from all directions and to control its entrances and exits.

4. At the same time that the inspection team arrives at a site, the helicopters of the Special Commission start flying over the site to ensure that nothing is moved out of the site.

5. The helicopters photograph the site before, during and after the inspection. It is possible, by comparing the photographs, to ascertain whether any large equipment may have been moved by trucks corresponding to the size and weight of such equipment. This was particularly so in the case of the last inspection team which was searching, as it informed us, for missiles, missile components, missile launchers and large boxes of documents. During the recent inspections, helicopter overflight of the site was interrupted briefly on two occasions (for 20-30 minutes) for reasons of fuel shortage, which logically does not allow any major change in the status of the site.

6. It is very easy for the inspection teams to verify whether some documents were burned.

For these practical and technical reasons, the allegations that there was a probability of a change in the status of the site, or of the removal of some equipment from it and the burning of some documents, are not realistic.

Fifth:

Jumping to the conclusion that what happened in the last few days constitutes a pattern of impeding the work of the Special Commission is quite wrong and baseless.

In the name of the Government of Iraq, I reaffirm that the Iraqi authorities have no intention of impeding the tasks of the Special Commission in Iraq. On the contrary, we have affirmed on the highest levels that we are keen to continue the relations of understanding and joint work with a view to fulfilling the tasks of the Special Commission as soon as possible. This has been confirmed by all the recent reports of the Special Commission. As I reiterate this affirmation, I expect the Executive Chairman of the Special Commission and its representatives, while discharging their duties in Iraq, to adhere to their undertakings towards Iraq by respecting Iraq's sovereignty, dignity and national security. I also expect the Security Council to deal with this issue in an objective manner which would balance Iraq's obligations towards the Security Council and the Council's obligations towards Iraq in accordance with the principles of the United Nations Charter and the provisions of the relevant resolutions of the Council.

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